

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TRI-STATE ASPHALT SEALING INC.,	:	Document Filed Electronically
	:	
Plaintiff,	:	Civil Action No. 17-9135-SDW-LDW
	:	
v.	:	Susan D. Wigenton, U.S.D.J.
	:	Leda D. Wettre, U.S.M.J.
TRI STATE PAVING CONTRACTORS LLC,	:	
	:	
Defendant.	:	
		x

~~[Proposed]~~ ORDER

THIS MATTER, having come before the Court on the application of Plaintiff Tri-State Asphalt Sealing Inc. ("Tri-State Asphalt"), for an Order, pursuant to Fed. R. Civ. P. 65, granting a permanent injunction against Tri State Paving Contractors LLC ("Defendant"), permanently restricting Defendant from using any name confusingly similar to the TRI-STATE and TRI-STATE ASPHALT trademarks, and for an award of attorney fees for the harm caused by Defendant's actions;

And the Court, having reviewed the facts and arguments in the present matter, including exhibits submitted by Plaintiff demonstrating the acts of trademark infringement and unfair competition committed by Defendant;

And Defendant having failed to answer the Complaint;

And a Certificate of Default having been entered by the Clerk on December 1, 2017;

The Court hereby finds that Defendant, through the actions associated with advertising its paving and sealcoating services under TRI STATE and TRI STATE PAVING AND SEALCOATING, has committed trademark infringement by using an almost identical and confusingly similar name to Tri-State Asphalt's TRI-STATE and TRI-STATE ASPHALT trademarks in order to confuse the public;

The Court further finds that the actions of Defendant has caused Tri-State Asphalt to suffer irreparable harm to its goodwill; and for good cause shown

IT IS ORDERED that:

1. Defendant, having been provided with a copy of this order must pay Tri-State Asphalt attorney fees under 17 U.S.C. § 1117(a) in the amount of \$12,500.

2. Defendant, having been provided with a copy of this Order, is hereby enjoined from any future act that uses any trademark owned by Tri-State Asphalt, including but not limited to the infringing TRI STATE and TRI STATE PAVING AND SEALCOATING designations and/or confusingly similar variations of the same. Without limitations of the foregoing, Defendant is specifically hereby ordered to immediately remove all exterior and interior signage, as well as signage on all vehicles and uniforms, bearing the TRI STATE or TRI STATE PAVING AND SEALCOATING designations, and immediately discontinue use of the TRI STATE and TRI STATE PAVING AND SEALCOATING designations on or in connection with all advertising and promotional materials.

SO ORDERED:

Dated:

January 10, 2018
Newark, New Jersey

Susan D. Wigenton
Susan D. Wigenton, U.S.D.J.